

DRAFT

MINUTES OF A REGULAR MEETING OF THE MAYOR AND
COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, HELD AT THE
JUSTICE FACILITY, 986 SOUTH LITCHFIELD ROAD, GOODYEAR
ARIZONA, ON JANUARY 12, 2004, AT THE HOUR OF 6:00 P.M.

Mayor Jim Cavanaugh called the meeting to order at 6:12 P.M. Vice Mayor Dick Sousa led in the pledge of allegiance and gave invocation.

COUNCIL PRESENT: Mayor Cavanaugh and Vice Mayor Dick Sousa.
Councilmembers: Antoniak, Cavalier, Porter, and Scott

COUNCIL
TELECONFERENCING: Councilmember Linney

STAFF PRESENT: Stephen Cleveland, City Manager; Dee Cockrum, City Clerk;
James Oeser, City Attorney; and various staff

MINUTES

Minutes of the Special Meeting held on December 15, 2003 were approved as presented and filed.

APPROVE AND/OR RATIFY EXPENDITURES

None

COMMUNICATIONS

None

CITIZENS COMMENTS/APPEARANCES FROM THE FLOOR

Mayor Cavanaugh asked if there were any comments from the public on non-agenda items. He explained that the Council could listen to their comments but could not respond to them or act upon any item. There being no comments, Mayor Cavanaugh closed the public input process for non-agenda items.

CONSENT

The City Manager read Consent Items, A, B1, B2, C, D1, D2, D3 and E.

Porter asked to remove Consent Item 8.C.

Antoniak questioned Consent Item 8.A, inquiring whether the County residents will be able to access Westar Drive? Cleveland said they would not, due to an earthen burn.

MOTION BY VICE MAYOR SOUSA, SECONDED BY SCOTT, TO
APPROVE CONSENT AGENDA ITEMS 8.A, B, D, and E

VOTE: PASSED BY THE FOLLOWING (7-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Porter, Linney, Cavalier, Antoniak and Scott

NAYS: None

- 8.A. 03-1936) Council approved the Acceptance of the Map of Dedication for a portion of Westar Drive located in Estrella Mountain Ranch.
- 8.B.1 (03-1956) Council authorized the renewal of the Maricopa County Animal Control Services contract for field services for FY 04-05 in the amount of \$39,634. and authorized the Mayor to sign all documents concerning the contract.
- B.2. (03-1956) Council authorized the Mayor to sign all documents concerning the contract.
- 8.D.1. (03-1970) Council authorized the City Manager to execute a professional service agreement with Brown and Associates for conducting building and fire plan reviews and inspections on an as-needed basis
- 8.D.2. (03-1970) Council authorized the City Manager to execute a professional service agreement with Linhart, Petersen, Powers and Associates (LP2A) for conducting building and fire plan reviews and inspections on an as-needed basis
- 8.D.3. (03-1970) Council authorized the City Manager to execute a professional service agreement with GP Engineering for conducting building and fire plan reviews and inspections on an as-needed basis
- 8.E. (03-1957) Council adopted RESOLUTION 03-903, AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT PROVIDING FOR A MULTI-JURISDICTIONAL REGIONAL PLAN REVIEW PROGRAM.

BUSINESS

8.C. (03-1958) CONTRACT TO PAUL HENDRICKS, dba EUSI, FOR PROJECT MANAGEMENT FOR RAINBOW VALLEY WATER RECLAMATION FACILITY

MOTION BY ANTONIAK, SECONDED BY VICE MAYOR SOUSA TO AUTHORIZED CITY MANAGER TO AWARD A CONTRACT IN THE AMOUNT OF \$260,800.00 TO PAUL HENDRICKS, DBA EUSI TO PROVIDE PROJECT MANAGEMENT FOR THE DESIGN/BUILD OF THE RAINBOW VALLEY WATER RECLAMATION FACILITY (RVWRF).

VOTE: PASSED WITH A (6-1) VOTE, WITH PORTER VOTING NO.

9.A. 03-1950) SUPERSTAR CAR WASH

Public Hearing opened at 6:28 P.M. Staff report.

Dustin Jones, Snell & Wilmer, representing applicant, SuperStar Car Wash:

- Retained to be involved to respect the public process
- Met with neighborhood leader of opposition, Carmen Salgado-Garcia
- Relayed historical process from opposition petitioners through City staff process
- Changes made to project (increased landscaping, etc.) based input from Staff and citizens.

Tony Sola, Noise Consultant, with Acoustical Consulting Services:

- Spoke to noise impact as being well within the City's guidelines
- Integrity of process has been protected

Public Speaking in Favor:

Name	Address
Carmen Salgado-Garcia	944 E. Calle Bolo Ln., Goodyear
Michael Martin	923 E. Calle Bolo Ln., Goodyear

Comment in favor:

- Initially had issues and questions with the car wash
- Since meeting with staff, feels comfortable that changes have been made
- Live across the street from a house directly behind the car wash.
- Been there six years and knew when they purchased that the area was zoned for commercial
- Many people are no longer against the car wash

- Thanks the developer and the city for helping them out with the changes
- Someone came by with a questionnaire
- Prefers the car wash and the buffer instead of a strip mall
- In favor of the car wash.

Paul Faith, attorney with Faith, Ledyard and Nickel, 919 N. Dysart, Avondale, represents several homeowners who oppose this case:

- Retained for four weeks
- Apologizes for not knowing all the history
- Although he has several clients who have changed their mind, his core clients are still opposed
- The eight foot wall will go across half their back yard
- It will take three quarters vote to pass this by Council
- Opposition is not based on commercial, but the problem of a noisy car wash
- This will effect the quality of life and property values
- Filed 253 signatures of concern and 78 letters submitted in opposition
- Twenty foot buffer not adequate
- City Zoning Ordinance states that the proposed use has to be compatible to the neighbors

Public Speaking in Opposition:

Name	Address
Esther Tercero	927 E. Calle Bolo Ln., Goodyear
Mary Salais	920 E. Calle Bolo Ln., Goodyear

Comments in opposition:

- Owns a day care and will be home all day
- Knows this will be loud and is concerned
- Concerned with the lube and the fumes
- Feels strongly about noise and crime and buffer
- There will be trash
- Traffic will only get worse
- Opposed before and continues to be opposed.

Closed public hearing at 7:42 P.M.

MOTION BY ANTONIAK, SECONDED BY SCOTT TO APPROVE A USE PERMIT TO ALLOW FOR THE CONSTRUCTION OF A SUPERSTAR CAR WASH ON LOT 5 (1.52 ACRES) OF THE BALDRIDGE COMMONS COMMERCIAL CENTER, GENERALLY LOCATED ON THE

NORTHWEST CORNER OF DYSART AND VAN BUREN STREET,
SUBJECT TO STIPULATIONS.

AMENDED MOTION BY ANTONIAK SECONDED BY PORTER TO
ADD STIPULATION 37 THAT NO PAGING SYSTEM OR OTHER
AUDIO EXTERNAL SPEAKER SYSTEM BE ALLOWED ON THIS
PROPERTY.

VOTE: PASSED UNANIMOUSLY WITH A (7-0) VOTE.

AMENDED MOTION BY SCOTT AND SECONDED BY VICE MAYOR
SOUSA TO CONSTRUCT AN EIGHT FOOT WALL TO EXTEND THE
ENTIRE PROPERTY LINE TO MANZANITA DRIVE AND TO GIVE THE
OPTION, AT THE EXPENSE OF THE CAR WASH OWNER, TO
REMOVE THE EXISTING SIX FOOT WALL WITH THE
CONCURRENCE OF THE PROPERTY OWNERS.

VOTE: PASSED BY THE FOLLOWING (4-3) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers
Cavalier, Antoniak and Scott

NAYS: Porter, Linney, and Cavalier

MOTION BY LINNEY FOR RECONSIDERATION OF THE LAST
MOTION. FAILED FOR LACK OF A SECOND.

MOTION BY CAVALIER SECONDED BY ANTONIAK TO CONTINUE
THIS UNTIL THE NEXT REGULAR SCHEDULED MEETING.

VOTE: PASSED BY THE FOLLOWING (6-1) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers
Linney, Cavalier, Antoniak and Scott

NAYS: Porter

Mayor's Summary: We need absolute certainty the car wash cannot be relocated to another parcel. Is there everything sold or in escrow and if it is not, then it would behoove all of us to attempt to move that. If we don't continue this, I think it will lose and that should be considered in our vote to continue. There are a couple things brought up that should be considered by Staff: Lowering the vacuum hoses and including a noise registry in a stipulation. Also mentioned were specified maximum building height, prohibited noise and consideration of the wall. The staff has some direction as to where to go in the next 2 weeks.

Councilmember Linney discontinued her teleconferencing.

Mayor Cavanaugh called for a recess at 8:57 PM.

Mayor Cavanaugh reconvened at 9:06 PM.

9.B. (03-1972) CONTRACT FOR KEN MARTIN OF BLACK & VEATCH

MOTION BY ANTONIAK, SECONDED BY CAVALIER, TO RATIFY THE CONTRACT FOR KEN MARTIN OF BLACK & VEATCH AS THE INTERIM WATER MANAGEMENT DIRECTOR FOR AN AMOUNT NOT TO EXCEED \$50,000.

VOTE: PASSED WITH A (5-1) VOTE WITH MAYOR CAVANAUGH VOTING NO.

Mayor's Summary: Stated he felt wrong way to set up supervision.

9.C. (03-1942) \$6,750,000.00 CONTRACT TO HDR ENGINEERING

MOTION BY VICE MAYOR SOUSA, SECONDED BY SCOTT, TO AUTHORIZE THE CITY MANAGER TO AWARD A CONTRACT IN THE AMOUNT OF \$6,750,000.00 TO HDR ENGINEERING TO DESIGN/BUILD A NEW POTABLE WATER RESOURCE FOR THE CITY OF GOODYEAR.

VOTE: PASSED UNANIMOUSLY WITH A (6-0) VOTE.

Mayor's Summary: Three contractors offered bids. HDR is winning bid. Contract will be awarded in the amount of \$6,750,000.00.

9.D. (03-1959) \$172,960,000. CONTRACT TO PAUL HENDRICKS, DBA EUSI

MOTION BY ANTONIAK, SECONDED BY CAVALIER TO AUTHORIZE THE CITY MANAGER TO AWARD A CONTRACT IN THE AMOUNT OF \$172,960.00 TO PAUL HENDRICKS, DBA EUSI, TO PROVIDE PROJECT MANAGEMENT FOR THE WATER RESOURCE DEVELOPMENT PROJECT.

VOTE: PASSED WITH A (5-1) VOTE, WITH PORTER VOTING NO.

Mayor's Summary: This is an award for project management for water resource development project. Concern was raised with price of that contract.

9.E. (03-1954) PRELIMINARY PLAT FOR PEBBLECREEK PHASE II UNIT 40

MOTION BY VICE MAYOR SOUSA SECONDED BY ANTONIAK TO APPROVE THE PRELIMINARY PLAT FOR PEBBLECREEK PHASE II UNIT 40, SUBDIVIDING 14.09 ACRES INTO 51 STANDARD SINGLE-FAMILY LOTS GENERALLY LOCATED ON THE SOUTHWEST CORNER OF PEBBLECREEK PARKWAY AND CLUBHOUSE DRIVE, SUBJECT TO CONDITIONS.

VOTE: PASSED UNANIMOUSLY WITH A (6-0) VOTE.

Mayor's Summary: Comment made that stipulation includes aprising future homeowners of noise emitting from the Arizona MotorSports Track. The density was expected to be higher, but it has been reduced to 3.6 and the remainder transferred to another parcel. Luke has no objection with development and the Open Space provisions are in compliance with the PAD.

9.F. (03-1925) ORDINANCE 04-882

MOTION BY VICE MAYOR SOUSA, SECONDED BY SCOTT TO ADOPT ORDINANCE 04-882 AMENDING SECTION 9-12-5 OF ARTICLE 9-12 OF CHAPTER 9 OF THE CITY OF GOODYEAR CODE WHICH PROVIDES FOR A REBATE OF \$100 UPON VERIFICATION AND APPROVAL OF THE INSTALLATION OF A CITY-APPROVED HOT WATER CONSERVATION DEVICE CATEGORIZED AS A HOT WATER RECIRCULATING PUMP OR POINT-OF-SERVICE INSTANT HOT WATER HEATER IN AN EXISTING, OCCUPIED RESIDENTIAL OCCUPANCY; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

AMENDED MOTION BY PORTER, SECONDED BY ANTONIAK TO ADD A PARAGRAPH IN THE ORDINANCE THAT A CAP OF \$25,000 PER CALENDAR YEAR ON A FIRST COME, FIRST SERVE BASIS.

VOTE: AMENDED MOTION PASSED UNANIMOUSLY BY THE FOLLOWING (6-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers Porter, Cavalier, Antoniak and Scott

NAYS: None

VOTE: MAIN MOTION PASSED BY THE FOLLOWING (6-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers
Porter, Cavalier, Antoniak and Scott

NAYS: None

Mayor's Summary: A motion to provide a rebate of \$100 upon verification of installation of a City approved water device. Funding will come out of Water Fund. LPSCo is not interested in participating. Installation of the device may result in a savings. The amended motion puts a cap on the rebate provision.

9.G. (03-1951) ORDINANCE 04-882

MOTION BY CAVALIER, SECONDED BY PORTER, TO ADOPT ORDINANCE 04-879 AMENDING ARTICLE 2-2, "DEFINITIONS", SECTION 3-3-2 "C-1 NEIGHBORHOOD COMMERCIAL DISTRICT", SECTION 3-3-3 "C-2 GENERAL COMMERCIAL DISTRICT", SECTION 4-1-3 "SPECIAL USES CONSIDERED IN SPECIFIC DISTRICTS", ARTICLE 4-2 "USES REQUIRING ADDITIONAL EVALUATION" AND SECTION 6-3-2 "PARKING SPACE ALLOCATION REQUIREMENTS" OF THE ZONING ORDINANCE OF THE CITY OF GOODYEAR, ARIZONA, ADOPTED MAY 24, 1999, AS REVISED, REGARDING THE REQUIREMENTS FOR BARS/COCKTAIL LOUNGES; PROVIDING SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

VOTE: PASSED BY THE FOLLOWING (6-0) ROLL CALL VOTE

AYES: Mayor Cavanaugh, Vice Mayor Sousa, and Councilmembers
Porter, Cavalier, Antoniak and Scott

NAYS: None

Mayor's Summary: None

9.H. (03-1968) APPOINTING A CHARTER COMMITTEE

MOTION BY ANTONIAK, SECONDED BY CAVALIER TO APPOINT A CHARTER CITIZENS COMMITTEE TO DISCUSS, REVIEW AND MAKE A RECOMMENDATION TO COUNCIL TO AMEND THE CURRENT CITY CHARTER.

VOTE: PASSED UNANIMOUSLY WITH A (6-0) VOTE.

Mayor's Summary: Mayor Arnold preferred to have a Councilmember serve as the chairperson of a committee. Mayor Cavanaugh followed in this direction with the Charter Committee. The Bond Committee and City Center Committees will have citizens as a Chairperson. Mayor feels it is important to have Councilmember Porter to serve as the Chairman due to his ability, interest and involvement with the Charter. Luke Schlosser was interviewed and has agreed to be the Vice Chairman of the Charter Committee. In addition to the Charter and Bond Committees, a City Center Committee will be appointed in a couple weeks. Georgia Lord will be the Chair and Jamie Cavalier will serve as the Vice Chair.

9.I. (03-1953) APPOINTING A BOND COMMITTEE

MOTION BY ANTONIAK, SECONDED BY SCOTT TO APPOINT A CITIZEN BOND COMMITTEE TO DISCUSS, REVIEW, AND MAKE A RECOMMENDATION AS TO WHETHER THE CITY OF GOODYEAR SHOULD SEEK ADDITIONAL VOTER APPROVAL TO INCREASE THE CITY'S GENERAL OBLIGATION BOND AUTHORIZATION.

VOTE: PASSED UNANIMOUSLY WITH A (6-0) VOTE.

Mayor's Summary: Interviewed Gil Stafford as Chair, who has just retired as President of Grand Canyon University and comes with a nice background. Gary Gelzer will be the Vice Chairman. Council are ex-officio members and can attend meetings, but cannot vote.

9.J. (03-1973) JOINT USE SWIMMING POOL AGREEMENT FOR AQUATIC FACILITY

MOTION BY ANTONIAK, SECONDED BY SCOTT TO RATIFY THE JOINT USE SWIMMING POOL AGREEMENT FOR THE AQUATIC FACILITY AT THE SOUTHWEST VALLEY YMCA.

VOTE: PASSED WITH A (5-1) VOTE WITH VICE MAYOR SOUSA VOTING NAY.

Mayor's Summary: Conversations with other cities will continue. The purpose is so the district can issue bonds in favor of acquiring the facility. The operations and maintenance have been explained. There is concern for expenditures on part of councilmember. Another councilmember said it is going to be a state of the art facility.

INFORMATION

Vice Mayor Sousa reported:

- There is a meeting for Arizona MotorSports Park at the Board of Supervisors in Phoenix on January 21st.
- There have been two meetings called by Supervisor Max Wilson with citizens.

City Manager Cleveland reported:

- Legislature is going into session
- Report will be provided to Council on the major topics before the legislature concerning the City.
- Moving speedily forward on the Stadium; By Feb. 1st or 10th to have an architect and a design build contract for this project and coming in early Feb. with the Memo of Understanding and other various agreements.

Director Jerene Watson, Community Initiatives: Introduced new City employee, Lili Schuett, Neighborhood and Volunteer Manager.

ADJOURNMENT

There being no further discussion to be brought before the Council at this time the meeting was adjourned at 10:54 p.m.

Dee Cockrum, City Clerk

James M. Cavanaugh, Mayor

CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the City of Goodyear, Arizona, held on January 12, 2004. I further certify that the meeting was duly called and held and that a quorum was present.

SEAL: Dated this ____ day of _____ 2004.

Dee Cockrum, City Clerk